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March 31, 2017

VIA ECF

Honorable Paul A. Engelmayer
United States District Court
Southern District of New York
40 Foley Square, Room 2201
New York, NY 10007
(212) 805-0268

Re: *Purolite Corporation, Purolite AG, and Purolite K.K. v. Hitachi America, Ltd., AVANTech, Inc., James Braun, Tracy Barker and John and Jane Does 1 Through 20,* Case No.: 16-cv-6852-PAE (the "U.S. Action")

Dear Judge Engelmayer:

On behalf of the parties, Plaintiffs Purolite Corporation, Purolite AG, and Purolite K.K. (collectively, "Plaintiffs") and defendants Hitachi America, Ltd. ("Hitachi America"), AVANTech, Inc. ("AVANTech"), James Braun, and Tracy Barker (collectively, "Defendants"), we submit this letter as a joint status report pursuant to the Court's January 6, 2017 order (the "Order"). The Order issued a stay of the U.S. Action in favor of foreign proceedings in Japan known as, *Purolite AG v. Hitachi-GE Nuclear Energy, Ltd.*, Case No. Heisei 26th Year (Wa) No. 29490, Tokyo District Court, Civil Division, Section 46-D (the "Japanese Action"). The Court directed the parties to issue a joint report every ninety days concerning the status of the Japanese Action. This letter shall serve as the first of such reports.

I. Status of the Japanese Action

Purolite represents that, since the January 6, 2017 Order, plaintiff Purolite AG filed additional briefs (Purolite AG Brief Nos. 14 and 15). On March 24, 2017, counsel for Purolite AG and HGNE appeared at a preparatory hearing in Tokyo, which lasted for approximately twenty minutes, wherein the Japanese Court asked counsel questions regarding the briefs. At the conclusion of the hearing, the Japanese Court granted defendant Hitachi-GE Nuclear Energy's ("HGNE") request to submit rebuttal papers concerning issues raised in Purolite AG's last set of briefs. The Japanese Court also set the next preparatory hearing for May 11, 2017, and set aside

July 18, 2017 as the first date to hear witness testimony. The Japanese Court stated that evidentiary proceedings would likely continue in September and October of 2017.

Defendants AVANTech, Braun, and Barker state that they have not been provided information to assess the accuracy of the foregoing description of the Japanese Action, and therefore are not a position to join in such description.

II. Additional Proceedings

On March 28, 2017, Petitioners Purolite Corporation, Purolite AG and Purolite K.K. (collectively, "Purolite") commenced a proceeding pursuant to 28 U.S.C. § 1782 to obtain discovery from Hitachi America in aid of the Japanese Action. *See In re Application of Purolite for an Order Pursuant to 28 U.S.C. § 1782 to Conduct Discovery for use in a Foreign Proceeding*, No.: 17-mc-00067-PAE (S.D.N.Y.). That proceeding has been assigned to this Court. Based on a stipulated briefing schedule that has been so-ordered by the Court, the deadline for Hitachi America to respond to Purolite's petition is April 4, 2017, and the deadline for Purolite's reply papers, if any, is April 21, 2017. Purolite and Hitachi America are also in the process of conferring in efforts to reach agreement concerning Purolite's requested relief.

Purolite also has an ongoing proceeding against AVANTech to obtain discovery pursuant to 28 U.S.C. § 1782 in aid of the Japanese Action. That proceeding was commenced in March 2016 in the United States District Court for the District of South Carolina, Civil Action No. 3:17-cv-00692-JMC. On April 4, 2016, Purolite obtained an order allowing Purolite to serve discovery on AVANTech. To date, AVANTech has produced approximately 22,000 documents in response to Purolite's discovery requests. On February 17, 2017, Purolite moved to compel AVANTech to comply with certain requested discovery, and AVANTech has opposed Purolite's motion and cross-moved for a protective order or in the alternative to quash.

Respectfully submitted,

/s/ Leonard A. Feiwus
Leonard A. Feiwus

cc: Counsel of Record (by email)